

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
GREAT AMERICAN INSURANCE COMPANY,

Plaintiff,

**ORDER**

09-CV-3520 (ADS)(WDW)

-against-

GATEWAY ACOUSTICS CORP., ROBERT  
CONTI, CHRISTINA CONTI, JAMES MURPHY,  
SUSAN MURPHY and FERNANDO ALVEREZ,

Defendant.

-----X

**APPEARANCES:**

**Torre, Lentz, Gamell, Gary & Rittmaster, LLP**

*Attorneys for the plaintiff*

100 Jericho Quadrangle

Suite 309

Jericho, NY 11753-2702

By: Mark Steven Gamell, Esq., Of Counsel

**NO APPEARANCE**

Gateway Acoustics Corp.

Robert Conti

Christina Conti

James Murphy

Susan Murphy

Fernando Alvarez

**SPATT, District Judge.**

On January 7, 2010, the Clerk of the Court entered a notation of default against the defendants Gateway Acoustics Corp., Robert Conti, Christina Conti, James Murphy, Susan Murphy, and Fernando Alvarez. On March 13, 2010, the Court entered a default judgment

against the defendants and referred the matter to United States Magistrate Judge William D. Wall for an inquest as to damages. On July 26, 2010, Judge Wall issued a thorough Report recommending that the plaintiff be awarded damages in the amount of \$142,427.28, and prejudgment interest of 9% per annum on \$131,197.61 from April 15, 2010 to the date of judgment. To date, there have been no objections to Judge Wall's Report.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. §636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Wall's Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Wall's Report, the Court adopts it.

Therefore, it is hereby

**ORDERED** that Judge Wall's Report and Recommendation is adopted in its entirety, and it is further

**ORDERED**, that the Clerk of the Court is directed to enter a default judgment against the defendants in the amount of \$142,427.28, plus 9% per annum interest on \$131,197.61, accruing on April 15, 2010 to the date hereof, and it is further

**ORDERED**, that the Clerk of the Court is directed to close this case.

**SO ORDERED.**

Dated: Central Islip, New York  
September 2, 2010

/s/ Arthur D. Spatt  
ARTHUR D. SPATT  
United States District Judge